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Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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Working Group on Firearms
Vienna, 2 to 3 May 2018

Draft Report

I. Introduction

1. In its resolution 5/4, entitled "Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition", the Conference of the Parties to the United Nations Convention against Transnational Organized Crime decided to establish an open-ended intergovernmental working group on firearms, in accordance with article 32, paragraph 3, of the United Nations Convention against Transnational Organized Crime, and rule 2, paragraph 2, of the rules of procedure for the Conference, to be chaired by a member of the Bureau of the Conference, to advise and assist the Conference in the implementation of its mandate with regard to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

2. In that resolution, the Conference also decided that the working group should perform the following functions: (a) facilitate implementation of the Firearms Protocol through the exchange of experience and practices among experts and practitioners; (b) make recommendations to the Conference on how States parties could better implement the provisions of the Firearms Protocol; (c) assist the Conference in providing guidance to its secretariat on the activities of the secretariat and on the development of technical assistance tools relating to the implementation of the Firearms Protocol; and (d) make recommendations to the Conference on how the working group could better coordinate with the various international bodies combating the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, in the area of supporting and promoting implementation of the Firearms Protocol.

3. In its resolution 7/1, entitled "Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto", the Conference decided that the Working Group on Firearms would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed.

4. In its resolution 8/3, entitled "Strengthening the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime", the Conference acknowledged that the Working Group on Firearms serves as a useful network of experts and competent authorities in

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order to improve international cooperation, exchange of information and good practices related to illicit firearms trafficking.

II. Recommendations

5. At its meeting held in Vienna from 2 to 3 May 2018, the Working Group on Firearms adopted the recommendations presented below.

A. General recommendations

B. Recommendations on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals

III. Summary of deliberations

6. At its 2nd meeting, on 2 May 2018, the Working Group considered agenda item 2, entitled "Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals."

7. The discussion about agenda item 2 was facilitated by Belala Djilali, General Prosecutor of the People's Democratic Republic of Algeria, on behalf of the African States; Fabio Marini, Principal Administrator in the Directorate General, Migration and Home Affairs, European Commission, on behalf of the European Union; José Romero Morgaz, Lieutenant Colonel of the Guardia Civil of Spain, Head of Unit of the Central Division Firearms and Explosives of the Ministry of Interior of Spain and Driver EMPACT FIREARMS, on behalf of the Western European and other States; and Marcus Vinicius da Silva Dantas, Federal Police Commissioner of Brazil, Division for the Repression of Crime against the Property and Trafficking in Firearms, on behalf of the Group of Latin American and Caribbean States.

8. The panellist for the African Group held a presentation about the experience of his country in responding to the links between illicitly trafficked firearms, organized crime and the commission of terrorism offences. Such responses included the investigation of the source and recipients of illicitly-trafficked firearms and related prosecutions, the adoption of appropriate legislation, including criminal provisions, in accordance with the Firearms Protocol, enhanced border control and judicial cooperation with international and regional organizations and with neighbouring countries. He called for enhanced international cooperation and encouraged other States to adopt adequate legislation in order to implement the provisions of the Firearms Protocol.

9. The panellist for the European Union described the actions undertaken at EU level in order to address the links between illicit arms trafficking and other crimes, and referred in particular to three fundamental elements related to their implementation of the Firearms Protocol. First, he mentioned the revision of relevant legislation in order to make stricter the marking of weapons and essential components manufactured in the EU, as well as the access to other types of weapons, including appropriate definitions, and the introduction of technical standards for deactivation of weapons. Second, he highlighted the importance of having enhanced law enforcement cooperation, with EU Member States as well as neighbouring and other strategic countries. Lastly, he emphasized the importance of research into firearms trafficking within the European Union and the exchange of information among EU Member States, for which a better use of existing databases was necessary, and

underlined that EU has started to enhance the latter together with strategic partners such as the UNODC and the Flemish Peace Institute inter alia.

10. The panellist for the Western European and other States spoke about the implementation of the European EMPACT (European Multidisciplinary Platform Against Criminal Threats) FIREARMS efforts, from the experience of his country as well as in the European Union context. In this regard, he explained what the EMPACT platform consisted of as well as its focus, which was to counter the threat of serious and organized crime, and highlighted the importance of coordination with all relevant actors. He discussed the priority areas for action that have been identified, such as the diversion of firearms into the black market, the cooperation with Member States within the Union and with third countries, in particular the Balkans, and MENA countries, countering the threat posed by deactivated weapons as well as the illicit conversion of weapons. Moreover, the panellist provided examples of relevant law enforcement operations and emphasized the importance of collecting, gathering and producing data and intelligence. He stressed the importance of establishing National Focal Points to facilitate and enhance the cooperation, and the importance of multidisciplinary interventions, ranging from legislative reviews, to research, data collection and analysis, and cooperation at all levels.

11. The panellist for the Group of Latin American and Caribbean States highlighted the interconnectedness between firearms trafficking and organized crime and gave a presentation about the experience of his country in combating firearms trafficking, including on regional cooperation and cooperation with strategic countries, best practices regarding the identification and marking of weapons and ammunition acquired by public forces, the importance of mutual legal assistance for the formal collection of evidence, border inspection and the use of surveillance technology. Moreover, underscoring the importance of tracing firearms and analysing the tracing results, the panellist spoke about the creation of the Federal Police National Tracing Centre and said that developing new ways of effectively marking firearms remains one of the main challenges of the firearms industry. The panellist further stressed the importance of ensuring centralized data and information on seized and surrendered arms, and to conduct thorough data analysis to better understand the phenomenon and devise tailored investigative and operational responses to these threats.

12. Following their presentations, the panellists exchanged further information with delegates at the meeting, based on several questions and comments. Among the main issues raised, it was said that further training and capacity-building for practitioners, experts and authorities was needed in relation to investigation and tracing, and it was noted that UNODC had already been conducting efforts in this regard, which needed to be further stepped up.

13. The importance of harmonizing legislation regionally, internationally and/or with strategic countries was highlighted, in order to facilitate and strengthen international judicial cooperation; it was also noted that, even where countries did not have the same crime typology in their legislation, other offences and/or the Firearms Protocol could be used in order to carry out international cooperation. The importance of establishing national focal points and of having standardized structures in each country in order to facilitate such cooperation was also stressed. Moreover, effective border control was identified as a key measure to prevent and counter the illicit trafficking in firearms, particularly also outside of official border-crossing points.

IV. Organization of the meeting

A. Opening of the meeting

14. The sixth meeting of the Working Group on Firearms was held in Vienna from 2 to 3 May 2018.

15. The meeting was opened by Guillermo Fonseca Leal (Mexico), Chair of the Working Group. He addressed the meeting and presented an overview of the mandate of the Working Group, its objectives and the subjects under its consideration.

16. At the opening of the meeting, statements were made by the European Union, on behalf of all the Members of the European Union.

B. Statements

17. Under agenda item 2, statements were made by representatives of the following States parties to the Firearms Protocol: Burkina Faso, Chile [...]. Statements were also made by the signatory States China [...]. Statements under the item were also made by the observers for France, Niger, the United States [...].

18. With the Chair presiding, the discussion under item 3 was led by the following panellists: ...

19. Under agenda item 3, statements were made by representatives of the following parties to the Firearms Protocol: ...

20. Under agenda item 4, statements were made by representatives of the following parties to the Firearms Protocol: ...

C. Adoption of the agenda and organization of work

21. At its first meeting, on 2 May 2018, the Working Group adopted by consensus the following agenda, as orally amended:

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda and organization of work.
2. Practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals.
3. Preparation of the questionnaire to review the implementation of the Firearms Protocol.
4. Other matters.
5. Adoption of the report.

D. Attendance

22. The following States parties to the Firearms Protocol were represented at the meeting: Algeria, Angola, Argentina, Armenia, Austria, Belgium, Brazil, Burkina Faso, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechia, Democratic Republic of the Congo, Dominican Republic, Ecuador, El Salvador, European Union, Greece, Guatemala, Hungary, India, Iraq, Italy, Kenya, Kuwait, Lebanon, Mauritania, Mexico, Morocco, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela (Bolivarian Republic of)...

23. The following States signatories to the Firearms Protocol were represented by observers: Australia, Canada, China, Germany, Luxembourg, United Kingdom of Great Britain and Northern Ireland ...

24. The following States that are not parties or signatories to the Firearms Protocol were represented by observers: Bolivia (Plurinational State of), Cameroon, Chad, Colombia, France, Indonesia, Iran (Islamic Republic of), Malta, Namibia, Niger, Pakistan, Philippines, Qatar, Russian Federation, San Marino, Sri Lanka, United Arab Emirates, United States of America, Yemen...

25. The following intergovernmental organization was represented by observers: AMERIPOL, Commonwealth of Independent States (CIS), Europol, Gulf Cooperation Council, Organization for Security and Co-operation in Europe (OSCE), RACVIAC Centre for Security Organization, Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies (WA-SEC), World Customs Organization (WCO)...

26. A list of participants is contained in document CTOC/COP/WG.6/2018/INF/1/Rev.1.

E. Documentation

27. The Working Group had before it the following:

(a) Annotated provisional agenda (CTOC/COP/WG.6/2018/1);

(b) Background paper prepared by the Secretariat on practical measures under the Firearms Protocol that contribute to preventing criminal organizations and terrorist groups from acquiring weapons through illicit trafficking, and to monitoring the achievement of target 16.4 of the Sustainable Development Goals. (CTOC/COP/WG.6/2018/2);

(c) Background paper prepared by the Secretariat on Activities of the United Nations Office on Drugs and Crime to promote ratification and implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. Background Paper by the Secretariat (CTOC/COP/WG.6/2018/3);

(d) Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (CTOC/COP/WG.6/2018/CRP.1);

(e) Note by the Secretariat containing Illicit Arms Flows Questionnaire (CTOC/COP/WG.6/2018/CRP.2).

IV. Adoption of the report

28. On 3 May 2018, the Working Group adopted the present report on its meeting.